IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 301 OF 2007

Mr. Maruti Dada Magar. ... Appellant.

V/s.

Smt. Kasabai Dada Magar & Anr. ... Respondents.

....

Mrs. P.P. Shinde for the Appellant.
None for the Respondents.

CORAM : DR.D.Y. CHANDRACHUD J.

05TH JULY 2007.

P.C. :

. The submission which has been urged at the hearing of the Second Appeal is that an oral partition had already taken place in the year 1998 and consequently, the decree for partition cannot be justified. Both the Courts below have assessed the evidence on the record and have come to the conclusion that there is absolutely no evidence to support the case that an oral partition had taken place in the year 1998. Re-appraisal of the evidence would not be permissible in this proceeding. No substantial question of law arises.

2. The Second Appeal is dismissed.